IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO :20905 of 2006

DATED: 24.7.2007

Between:

Sumanam Subba Rao
petitioner

And

Commissioner of rWorkmen's Compensation &
Asst Commissioner of Labour,
Vijayawada & 2 ors
Respondents

THE HON'BLE MR JUSTICE C.V. RAMULU

WRIT PETITION NO : 20905 of 2006

ORAL ORDER:

This writ petition is filed seeking a certiorari to call for the records relating to the case in W.C No. 32 of 1999 on the file of the first respondent and to quash the order of the first respondent in W.C. No. 32 of 1999 dated 21.10.1999 as confirmed vide orders in W.C.M.P. No. 28 of 2001 in W.C. No. 32 of 1999 dated 7.5.2005 as illegal and arbitrary.

According to petitioner, W.C. No. 32 of 1999 ought to have been filed against Sri Sumanam Srinivas S/o late Subramanya Sastry R/o Gurunanak Colony, Vijayawada, Krishna district, who is brother of first petitioner and brother-in-law of second petitioner herein and proprietor of M/s.Teja Industrial Corporation/Opposite party. In stead of doing so, the petitioner has been wrongly impleaded in W.C.No.32 of 1999 before the Commissioner for Workmen Compensation and Assistant Commissioenr of Labour, Vijayawada. Be that as it may against the orders passed in

WC No. 32 of 1999 there is an effective and alternative remedy available under section 30 of the Workmen Compensation Act, (for short the Act) and instead of availing the same, the petitioner has directly filed this writ petition and now states that he was not served with any notice.

Since, the first petitioner and third respondent are brothers and M/s.Teja Industrial Corporation is their family business and particularly in view of the fact that a statutory appeal is available under Section 30 of the Act, I seem no reason to interfere with the matter and deem it appropriate to direct the petitioner to avail the statutory remedy of appeal provided under the Act.

Subject to above, the writ petition is dismissed. No costs.

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C.V.RAMULU,J

DATE: 24.7.2007
TVK

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